



Laila Ashrafun, *Women and domestic violence in Bangladesh: seeking a way out of the cage*

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The making of domestic violence (DV) against women a public issue has been the most spectacular feminist success story of our times. From being seen as an individual aberration attributable to alcoholism or psychological stress requiring therapy till a few decades ago, DV is now regarded as symbolic of women's inequality, requiring structural remedies and legal reform. Feminist reformulation of DV as sex discrimination in the 1990s helped make states liable under international human rights law for violence committed against women by private actors within the so-called private domain of the family. This led to a wave of countries enacting laws on DV. As of 2016, 127 countries around the world had such laws – a vast majority of them enacted in the previous 20 years.

The existence of legal remedies against DV is now also seen crucial to a country's economic development. Thus, a World Bank indicator project called Women, Business and the Law (WBL) that collects data on legal barriers in every country that restrict women's economic participation, has been focusing on laws against DV and scoring the countries on that count. The WBL's concern for legal remedies against DV as part of its larger agenda to measure and further economic development is premised on two interlocking ideas. First, that violence, particularly taking place within the home, restricts women's liberty, including her liberty to participate in the domain of the market. And second, that participation in the market and resulting economic independence enables women to resist violence, particularly in relationships of dependency within the home.

I read Laila Ashrafun's book as questioning these premises through the lives of a group of women in Bangladesh and how they dealt with DV. The book is based on Ashrafun's fieldwork in two *bastis* (slums) in Sylhet, a city in eastern Bangladesh. The two *bastis* differed in terms level of impoverishment and religion of the residents: one had an entirely Muslim population, which was slightly better off than

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the inhabitants of the other one, who were exclusively “low” caste Hindus. The first two chapters show how living in the *basti* had a bearing on gender relations. Women’s displacement from one setting to another upon marriage, and the absence of the option to go back to the natal home, is often key to their vulnerable position in the marital home. For women living in the *bastis*, this was compounded by a second displacement from village to the city due to migration.

But while for some women this meant loss of crucial kin support, for others it meant freedom from the restrictions enforced by kin and community. Ashrafun tells us stories of women who worked outside the home to supplement their family incomes and how they rationalised their non-observance of *purdah* (veil) that they had been told was mandated by religion. Paid employment enhanced women’s self-confidence and their bargaining position in the home to some extent. But, as Ashrafun shows, paid employment did not change the dominant gender scripts that assigned a subordinate position to the wife. Women faced violence from husbands in myriad forms, ranging from “*kharap bebohar*” (bad behaviour) to physical assault, irrespective of their involvement in paid employment and even when they were the primary breadwinners in the family.

Similarly, kinship seemed to play no determinative role in DV either. It is often hypothesized that kinship systems that allow marriage among close relations offer a safety net against abuse in the marital home since the wife is not a complete outsider to the family. A large number of social scientists have even suggested that better development indicators for women in southern India is attributable to the practice of close-kin marriage prevalent in the region.¹ Figures on DV from southern India, however, lead us to doubt that idea.² The cases of DV appearing in Ashrafun’s book of Muslim households where the couples were often cousins, further question the thesis.

In the final chapter, Ashrafun turns to one mode of dispute resolution that poor women facing DV often turn to when personal “coping mechanisms” fail. This chapter is based on her participation in dispute processing carried out by a legal aid NGO in Sylhet. As opposed to the rest of the book that covers familiar ground – the working of patriarchy in the everyday lives of women – this chapter addresses an issue on which a body of literature is gradually emerging, giving us a systematic understanding of the widely prevalent phenomenon of dispute resolution by non-state actors. There are interesting similarities as well as differences between Ashrafun’s account of marital dispute resolution conducted by (male) lawyers representing an NGO in Sylhet and Shalini Grover’s account of marital dispute resolution by members of a neighbourhood women’s group – also affiliated to an NGO – in a New Delhi slum.³ In both accounts, the mediators prioritised traditional marriage

¹ Patricia Uberoi, ‘Saving Custom or Promoting Incest? Post-Independence Marriage Law and Dravidian Marriage Practices’ in Archana Parashar and Amita Dhanda (eds), *Redefining Family Law in India: Essays in Honour of B. Sivaramayya* (Routledge 2008) pp. 54–85.

² Karin Kapadia, *Where Marriage is Dangerous for Women*, (2018) 53 Economic and Political Weekly 48.

³ Shalini Grover, *Marriage, Love, Caste and Kinship Support: lived experiences of the urban poor* (Routledge 2011).

and gender-roles, advised women to “adjust” for the sake of marriage, and actively discouraged divorce by cautioning women about the difficulties of life without male support or presence.

Significantly, however, while in Grover’s study the mediators always chastised the husbands for committing violence against their wives and threatened them with legal action if they committed further violence, in Ashrafun’s case instances of extreme violence against the wives were repeatedly invisibilised in order to achieve reconciliation. Ashrafun attributes it to the lawyers’ lack of training and sensitization, which she further attributes to a wider phenomenon of NGOs administering donor’s agendas and meeting project targets without regard for the actual needs of the “target groups”. I wish Ashrafun had elaborated this point further to give her readers a better grasp of the “NGO-ization” of dispute resolution.

I also wish Ashrafun had cast her research net wider and deeper, and looked at other actors performing similar functions in the locality, and the interaction between them. It is not clear from her description what the source of the NGO’s legitimacy as a dispute resolution body is – i.e. why would the husbands/ in-laws respond to their summons for mediation? Ashrafun explains why women may prefer the NGO over traditional dispute resolution bodies comprising of male elders. The latter do not allow women to present their grievances themselves; women are represented by their male kin. The NGO on the other hand allows women to participate in the process. Does the emergence of a relatively more democratic, parallel forum have any influence on the conduct of the traditional forums? Furthermore, why do women prefer these new forums where they are heard but ultimately pressurised to stay in violent marriages? Do women value the NGO space only as a public forum to voice their grievances, even though that space does not assure them justice? It would have been useful to probe these questions.

Finally, I wish the book had undergone better editing. There are too many oddly constructed sentences and spelling errors to be pointed out. Nonetheless, it is a valuable contribution to the literature on DV in the subcontinent. Recent legislative efforts in both India and Bangladesh have prioritized civil remedies for victims of DV – like maintenance, compensation, protection against dispossession from the matrimonial home, alternative residence and so on – over criminal law remedies. In the impoverished slum communities where Ashrafun’s book is situated, we encounter cases where the abuser husbands are not in a position to provide either maintenance or alternative residence because they do not have a regular income. In a context where states are lauded simply for having a law on DV – the WBL scores for instance – the important question that the book asks, is how do we assign scores to legal remedies for women when their realisation is frustrated by poverty?